

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN DISTILLING COMPANY LLC,

Plaintiff,

v.

BREUCKELEN DISTILLING COMPANY INC.
and BRAD ESTABROOKE,

Defendants.

1:10-cv-4903 (NG)(RML)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the declaration of Joe Santos, dated December 22, 2010, together with the exhibits annexed thereto, and upon all the pleadings and proceedings herein, Plaintiff Brooklyn Distilling Company LLC ("Brooklyn"), will move this Court before The Honorable Nina Gershon, Senior United States District Judge for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, on March 25, 2011 at 11:00 am, for an Order: (i) enjoining and restraining Defendants Breuckelen Distilling Company Inc. and Brad Estabrooke, and their respective officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with them, or either of them, during the pendency of this action from: (a) manufacturing, advertising, promoting, shipping, offering for sale, selling, or distributing gin, whiskey, and any other distilled spirits under and in connection with the marks "BREUCKELEN," or "BREUCKELEN DISTILLING," the trade name "Breuckelen Distilling Company," and/or the domain names "breuckelengin.com," "breukelengin.com," and "brkgin.com"; and (b) Committing or performing any other act or thing that is likely to cause persons to believe that Defendants' goods or commercial activities originate with, or are licensed, sponsored, or authorized by, Brooklyn, or that Brooklyn's goods or commercial

activities originate with, or are licensed, sponsored, or authorized by, Defendants; and (ii) granting such other and further relief to Brooklyn that the Court deems just and appropriate.

Dated: New York, New York
December 22, 2010

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